

Message

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Sent: 1/18/2017 7:11:26 PM
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Subject: Fw: TSCA: EPA Proposes Procedures to Prioritize Chemicals for Risk Evaluation under TSCA

Hi, all:

The EPA proposed its process for setting priorities for risk evaluations yesterday. Pls find below an excellent summary by a good law firm, Bergeson & Campbell.

Enjoy.

stuart
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-----Original Message-----

From: Bergeson & Campbell, P.C. <DO_NOT_REPLY@news.lawbc.com>

To: Stuart Cohen <ets@ets-md.com>

Subject: TSCA: EPA Proposes Procedures to Prioritize Chemicals for Risk Evaluation under TSCA

Sent: Jan 18 '17 13:43

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Upcoming Events

Environmental Law Institute (ELI) CLE Program 2017, February 9 - 10, 2017, Washington D.C. and Webcast

Stay current in this ever-changing area of law by attending [ALI - ELI Environmental Law 2017](#). [Lynn L. Bergeson](#) will lead a panel on the Toxic Substances Control Act (TSCA).

WEBINAR -- Chemical Substance Regulation in Central and South America: A Deeper Dive, February 16, 2017, 2:00 p.m. (EST)
Bergeson & Campbell, P.C.

The U.S. Environmental Protection Agency (EPA) proposed on January 17, 2017, procedures to establish the risk-based screening process and criteria that EPA will use to identify chemical substances under the Toxic Substances Control Act (TSCA) as either High-Priority Substances for risk evaluation, or Low-Priority Substances for which risk evaluations are not warranted at the time. 82 Fed. Reg. 4825. The proposed rule describes the processes for identifying potential candidates for prioritization, selecting a candidate, screening that candidate against certain criteria, formally initiating the prioritization process, providing opportunities for public comment, and proposing and preparing final priority designations. EPA notes that prioritization is the initial step in a new process of existing chemical substance review and risk management activity established under recent amendments to TSCA. EPA incorporated all of the elements required by new TSCA, but also supplemented those requirements with additional criteria it expects to consider, some clarifications intended to provide greater transparency, and additional procedural steps to ensure effective implementation. EPA requests comments on all aspects of the proposed rule. Comments are due **March 20, 2017**.

Prioritization Overview

Based on new TSCA Sections 6(b)(1) through (3), EPA proposes to include four steps or phases in prioritization: (1) pre-prioritization; (2) initiation; (3) proposed designation; and (4) final designation. During the pre-prioritization phase, EPA proposes to apply the statutory preferences in new TSCA Section 6(b)(2), along with other criteria, to narrow the pool of potential candidates and identify a single chemical substance (or category of chemical substances) to screen against the statutory criteria in new TSCA Section 6(b)(1)(A). Aside from the statutory preferences, EPA states that new TSCA does not otherwise direct or limit EPA in how to select a chemical substance on which to initiate prioritization, requiring only that the process be “risk-based.” At the initiation step, EPA will announce a candidate chemical substance and give the public a 90-day comment period to submit relevant information. At the proposed designation step, EPA will propose to designate a chemical substance as either a High-Priority Substance or a Low-Priority Substance, publish the proposed designation and the information, analysis, and basis used to make the designation, and take public comment a second time for 90 days. At the final designation step, EPA will either issue a final High-Priority Substance designation and initiate a risk evaluation, or issue a final Low-Priority Substance designation, in which case it will not conduct a risk evaluation on the chemical substance unless and until information leads EPA to revisit that priority designation.

[Read the full memorandum online](#)

Senior Regulatory Consultant [Michael S. Wenk, M.S.](#) will present a follow-up to our November 2016 webinar. [Register online.](#)

In Case You Missed These

[Predictions and Outlook for U.S. Federal and International Chemical Regulatory Policy 2017](#)

[TSCA: EPA Proposes Regulation of TCE Use in Vapor Degreasing under TSCA Section 6\(a\)](#)

[TSCA: EPA Proposes Requirements for TSCA Inventory Notification \(Active-Inactive\)](#)

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